UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,175	03/25/2004	Denilson Nastacio	5577-292 RSW920040017US1	6802

53792 7590 07/11/2008

DILLON & YUDELL LLP
8911 N. CAPITAL OF TEXAS HWY.
SUITE 2110
AUSTIN, TX 78759

EXAMINER	
LINDSEY, MATTHEW S	

ART UNIT	PAPER NUMBER
2151	

MAIL DATE	DELIVERY MODE
07/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ATTACHMENT TO ADVISORY ACTION

1. Claims 1, 3-5, 8 and 10-11 have been finally rejected. Claims 2, 6, 7, 9 and 12-30 are cancelled as filed on 25 June 2008. For the reasons stated below, the rejection is maintained.

Response to Arguments

2. Applicant's arguments, see pg 5, line 7 – pg 6, line 8, filed 25 June 2008, have been fully considered but they are not persuasive. Applicant argued "Marwaha (see Marwaha Figs. 2, 3, and 10) merely discloses converting a received even to a common event format, irrespective of a format of the received event" (pg 5, lines 7-8).

Examiner respectfully disagrees, Marwaha disclosed: "Common event format includes a set of tokens, which contain essential information coming from different sources into an enterprise manager" ([0011], lines 4-6). Marwaha further disclosed examples of these tokens, "The following tables show examples of the tokens and their values that *may be updated* during the normalization phase" ([0027], lines 1-3, emphasis added). Tokens and their values that *may be updated* during the normalization phase, thus tokens and their values are not always updated during the normalization phase. The table below [0027], specifically the OriginDateTime, Remarks section states "If the original date/time is present then that may be used". If the original date/time is present then the value is not updated, and the original date/time is used.

3. Applicant's arguments, see pg 6, lines 9-20, filed 25 June 2008, have been fully considered but they are not persuasive. Applicant argued "Natarajan also does not teach or suggest (alone or in combination with Marwaha) a method that includes an event source (e.g., 305) that accesses an event factory (e.g., 300) to obtain a common base event (e.g., 340) that is populated and returned to the event source (in the form of a populated based event incorporated in a content handler)" (pg 6, lines 13-16), and "while policy engine 254 may feedback control information to network elements 204 to control the network elements 204, this does not teach or suggest returning a populated base event from an event factory to an event source" (pg 6, lines 17-20).

Examiner respectfully disagrees, Natarajan disclosed: "The information which is reported to the data store 252 is analyzed by a policy engine 254. The policy engine 254 includes a plurality of application specific plug-in policies for analyzing application specific information from the data store and for computing updated control information based upon the analysis of the information. The updated control information may include any type of information, parameters, and/or actions which may be used to affect the operation of one or more network elements. The updated control information is then fed back to selected network elements (returned to the event source) to thereby affect operation of the selected elements and/or network" (Col. 7, lines 19-29). Natarajan further disclosed: "examples of the information reported by the network element may include information relating to: committed information rate (CIR), excess information rate (EIR), committed burst size (Bc), excess burst size (Be), congestion indicators (e.g., discarded eligibility bits), number of packets dropped (e.g. during a given time

interval), queue length at selected circuits within the network element, etc. *Further, any of the above described parameters may be dynamically and automatically modified or updated by the policy engine and fed back to desired network elements* for affecting the operation or performance of the network" (Col. 8, lines 40-51, emphasis added). The parameters reported by the network element may be dynamically and automatically modified or updated by the policy engine and fed back to desired network elements.

4. Applicant's arguments, see pg 6, lines 21-27, filed 25 June 2008, have been fully considered but they are not persuasive. Applicant argued "it is unclear to Applicants why one of ordinary skill in the art would be motivated by the combination of Marwaha and Natarajan to send a populated base event from an event factory to an event source" (pg 6, lines 21-23).

Motivation comes from Natarajan, "The updated control information is fed back to selected network elements to thereby affect operation of the selected elements" (Abstract, lines 9-11). Natarajan disclosed: "examples of the information reported by the network element may include information relating to: committed information rate (CIR), excess information rate (EIR), committed burst size (Bc), excess burst size (Be), congestion indicators (e.g., discarded eligibility bits), number of packets dropped (e.g. during a given time interval), queue length at selected circuits within the network element, etc. Further, any of the above described parameters may be dynamically and automatically modified or updated by the policy engine and fed back to desired network elements for affecting the operation or performance of the network" (Col. 8, lines 40-51).

The reported information, or events, are updated and fed back to the network elements for affecting the operation or performance of the network.

All arguments have been addressed; therefore all rejections are hereby maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7-5, Fridays 7-12.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSL
7/7/2008

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151